
60 East 42nd Street • Suite 4700 • New York, New York 10165
T: 212.792-0048 • E: Jason@levinepstein.com

July 29, 2021

Via Electronic Filing

The Honorable Stewart D. Aaron, U.S.M.J.
U.S. District Court, Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: *Antolini v. McCloskey et al*
Case No.: 1:19-cv-09038-GBD

Dear Honorable Magistrate Judge Aaron:

This law firm represents Defendants Dimur Enterprises Inc., Amy McCloskey, Theresa Laurent, Eddie C K Chung and C&S Millennium Real Estate (collectively, the “Defendants”) in the above-referenced action.

Pursuant to Your Honor’s Individual Practice Rules I(A) and the directives contained in Your Honor’s July 23, 2021 Order [Dckt. No. 205], this letter respectfully serves to provide the Court with a copy of the undersigned law firm’s contemporaneous time records from July 8, 2021 through July 22, 2021, corresponding to preparation for Plaintiff’s Court-Ordered July 23, 2021 deposition [*see* Dckt. No. 197].¹

A true and correct copy of said contemporaneous time records, documenting each attorneys’ hourly rate, hours expended, and tasks worked on, is annexed hereto as **Exhibit “A”**.

A brief biography of each attorney who performed billed work in this matter is as follows:

Attorney Joshua D. Levin-Epstein (“Mr. Levin-Epstein”) is the founder and managing member of Levin-Epstein & Associates, P.C., and has been in practice since 2006. Mr. Levin-Epstein’s billed hourly rate for this matter is \$400 per hour.

Prior to founding the firm, Mr. Levin-Epstein was part of the Business Solutions, Governance, Restructuring & Bankruptcy practices at international and national law firms where he represented constituents in complex litigation and transactional matters. Mr. Levin-Epstein also served as Law Clerk to the Honorable Alan H.W. Shiff in the United States Bankruptcy Court for the District of Connecticut (Bridgeport Division). Mr. Levin-Epstein received a B.S. in Foreign Service from the Edmund A. Walsh School of Foreign Service at Georgetown University. At Georgetown University, Mr. Levin-Epstein received several merit-based scholarship awards. Mr. Levin-Epstein received his J.D. from The University of Michigan Law School. He previously chaired the Labor and Employment Subcommittee for the New York City Bar Association’s Hospitality Law Committee. Mr. Levin-Epstein authored a White Paper on the history of the development of local Community Boards in New York City.

¹ The undersigned law firm has not incurred any out-of-pockets costs in connection with Plaintiff’s failure to appear for the July 23, 2021 deposition.

Attorney Eunon Jason Mizrahi, Esq. (“Mr. Mizrahi”) is an associate at Levin-Epstein & Associates, P.C., and is billed at the rate of \$225 per hour. Mr. Mizrahi earned his B.A. from the University of Maryland, and his J.D. from Brooklyn Law School in 2016. Following law school, he practiced as an associate at a boutique law firm concentrating in labor and employment law. He was previously In-House Counsel and Human Resources Manager for a wholesale baking company headquartered in the Bronx, with global operations in China, South Korea and the United States.

Mr. Mizrahi's core focus is on the litigation of complex commercial disputes, Title III litigation, employment matters, and breach of contract actions. He regularly represents businesses and individuals before state and federal courts and arbitration tribunals, where he has secured precedent-setting decisions. Mr. Mizrahi is admitted to practice in New York and in the U.S. District Courts for the Southern and Eastern Districts of New York, and in the U.S. Court of Appeals for the Second Circuit.

Levin-Epstein & Associates, P.C. has obtained favorable decisions in Title III discrimination cases that have set precedent in this area of law. *See Harty v. W. Point Realty, Inc.*, 477 F. Supp. 3d 163 (S.D.N.Y. 2020) (securing dismissal of plaintiff’s “conclusory” claims for lack of standing under Title III of the ADA), *appeal docketed*, No. 20-2672 (2d Cir. Aug. 11, 2020); *see also De La Rosa v. Aspenly Co. LLC et al*, Case No.: 1:18-cv-03456 (AJN) (GWG) at Dckt. No. 153 (S.D.N.Y. 2021) (securing dismissal of Plaintiff’s ADA claim on the basis of mootness); *Sullivan, Jr. v. Doctor's Associates LLC et al*, Case No.: 1:19-cv-00719 (GHW) (GWG) at Dckt. No. 98 (S.D.N.Y. 2021) (same); *Flint v. Atl. Networks, LLC*, 2020 WL 2393803, at *1 (E.D.N.Y. 2020) (same); *Perez, Jr. v. 33rd Street Investors I LLC. et al*, Case No.: 1:19-cv-01392 (ALC) (RWL) at Dckt. No. 74 (S.D.N.Y. 2020) (same); *Burgess v. Sixth Street Associates et al*, Case No.: 1:18-cv-07405 (KPF) at Dckt. No. 41 (S.D.N.Y. 2019) (securing dismissal of Plaintiff’s ADA claim where Plaintiff was completely absent from the litigation and where Plaintiff’s counsel² delayed the case after failing to comply with discovery deadlines).

Other Courts have approved Mr. Levin-Epstein & Mr. Mizrahi’s proffered billing rates. *See Stein v. Greenfeld et al*, Case No.: 20-cv-01929 (ARR) (CLP), Dckt. No. 25 at *6-7 (E.D.N.Y. 2020) (approving rate of \$450 for Mr. Levin-Epstein, and \$325 for Mr. Mizrahi); *Antolini v. McCloskey et al*, Case No.: 19-cv-09038 (GBD) (SDA) at Dckt. No. 99 (approving rate of \$225 for Mr. Mizrahi); *Laureano-Capellan v. Chirichella et al*, Case No.: 20-cv-00360 (RER), July 15, 2020 Dckt. Entry (E.D.N.Y. 2020) (approving rate of \$450 for Mr. Levin-Epstein, and \$225 for Mr. Mizrahi); *Feliciano v. Yoon et al*, Case No.: 18-cv-06361 (DLI) (JO), March 27, 2020 Dckt. Entry (E.D.N.Y. 2020) (same). Such fees are also within the range of reasonable rates for similarly experienced attorneys. *See Guerra v. Trece Corp.*, 2021 WL 1893593, at *2 (S.D.N.Y. 2021) (approving hourly rate of \$450 for partner); *Meide Zhang v. Liang Zhang*, 2020 WL 9256464, at *6 (S.D.N.Y. 2020), *report and recommendation adopted as modified sub nom. Zhang v. Zhang*, 2021 WL 1154084 (S.D.N.Y. 2021) (approving \$450 hourly rate as “reasonable”); *Salazar v. 203*

² The Plaintiff in *Burgess v. Sixth Street Associates et al*, Case No.: 1:18-cv-07405-KPF at Dckt. No. 41 (S.D.N.Y. 2019) was also represented by Stuart H. Finkelstein (“Attorney Finkelstein”). *See also Burgess v. Goodman* 18-cv-6584 (VEC) at Dckt. No. 57 (S.D.N.Y. 2019).

Lena Inc., 2020 WL 5627118, at *11 (S.D.N.Y. 2020), *report and recommendation adopted*, 2020 WL 6257158 (S.D.N.Y. 2020) (recommending hourly rate of \$500).

In light of the foregoing, Defendants respectfully requests an award of attorneys' fees in the amount of \$1,881.25. *See* Ex. A.

We thank the Court for its attention to this matter, and are available at the Court's convenience to answer any questions related to the foregoing.

Respectfully submitted,

LEVIN-EPSTEIN & ASSOCIATES, P.C.

By: /s/ Jason Mizrahi
Jason Mizrahi
60 East 42nd Street, Suite 4700
New York, NY 10165
Tel. No.: (212) 792-0048
Email: Jason@levinepstein.com
Attorneys for Defendants

VIA ECF: All Counsel